

HOUSE BILL 3783

By Sexton

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7 and Title 39, Chapter 17, Part 13, relative to the availability of information pertaining to handgun carry permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new sections:

Section 39-17-1363.

(a) Except as otherwise provided in this section the following information and records are confidential, not available for public inspection and may not be released in any manner:

(1) All information contained in any application for a handgun carry permit issued pursuant to § 39-17-1351, a permit renewal application, or contained in any materials required to be submitted in order to obtain such a permit;

(2) All information provided to any state or federal agency, to any county, municipality, or other political subdivision, to any official, agent, or employee of any state or federal agency, or obtained by any state or federal agency in the course of its investigation of an applicant for a handgun carry permit; and

(3) Any and all records maintained relative to an application for a handgun carry permit issued pursuant to § 39-17-1351, a permit renewal application, the issuance, renewal, expiration, suspension, or revocation

of a handgun carry permit, or the result of any criminal history record check conducted under this part.

(b) Any information or other records regarding an applicant or permit holder may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution, or for determining the validity of a handgun carry permit, or to a child support enforcement agency for purposes of child support enforcement, but shall not be publicly disclosed except as evidence in a criminal or child support enforcement proceeding.

(c) Except as provided for in subsection (b), no official, agent, or employee of the state, its subdivisions, or agencies, or of any county, city, municipality, or other political subdivision of this state shall knowingly release or cause to be released in any form any information or records described in subsection (a) or any information concerning the validity of any handgun carry permit issued pursuant to § 39-17-1351.

(d)

(1) A handgun carry permit holder, or an applicant for a permit, identified in any information or records released in violation of this section may bring a civil action to enjoin any further violations of this section. Any party obtaining an injunction pursuant to this subsection shall be entitled to reasonable attorney fees and the reasonable costs necessary to bring the action.

(2)

(A) In addition to injunctive relief, a handgun carry permit holder, or an applicant for a handgun carry permit, aggrieved by the release of information in violation of this section shall have a civil cause of action against the official, agent, or employee who released or caused to be released the information or records, or against the state, its subdivisions, or agencies, or against any

county, city, municipality, or other political subdivision of this state, responsible for the release of information or records in violation of this section.

(B) A handgun carry permit holder, or an applicant for a handgun carry permit, whose records or information was released in violation of this section shall be entitled to, for the first release in violation of this section, minimum damages in the amount of five hundred dollars (\$500) plus any actual damages shown. For a second or subsequent release of information or records in violation of this section, minimum damages in the amount of one thousand dollars (\$1,000) shall be awarded.

(C) If not a part of the action for injunctive relief, a handgun carry permit holder, or an applicant for a handgun carry permit, who prevails in a civil action brought pursuant to this subdivision (2) shall be entitled to reasonable attorney fees and the reasonable costs of bringing the action.

(e) For purposes of violations of this section, the state, its subdivisions, or agencies, or any county, city, municipality, or other political subdivision of this state, waives its immunity.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.